

## A RESOLUTION

10-R-\_\_\_\_\_

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF KENNETH KNIGHTON V. CITY OF ATLANTA, GEORGIA, CIVIL ACTION FILE NO. 2008-EV-003820, FULTON STATE COURT, IN THE TOTAL AMOUNT OF \$84,200.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 5051 (WATER & SEWER) CENTER NUMBER 170201 (DEPARTMENTAL) 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiff Kenneth Knighton filed a lawsuit, *Kenneth Knighton vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate sanitary sewer systems;

WHEREAS, Plaintiff alleges that due to failure and inadequacies of the City of Atlanta's sanitary sewer systems, his property sustained damage resulting from a sanitary sewer backup;

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City of Atlanta's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount;

WHEREAS, Plaintiff has agreed to accept \$84,200.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the Plaintiff the amount of \$84,200.00 to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

**SECTION 1** The City Attorney is hereby authorized to settle and execute all documents in the case of *Kenneth Knighton vs. City of Atlanta*, Fulton County State

Court, Civil Action File No. 2008-EV-003820, in the amount of Eighty-Four Thousand Two Hundred Dollars (\$84,200.00).

**SECTION 2** The Chief Financial Officer is authorized to pay the amount of Eighty-Four Thousand Two Hundred Dollars (\$84,200.00) to Kenneth Knighton. Said payment is to be charged, paid and issued from Fund 5051 (Water & Sewer Fund) Center Number 170201 (Departmental) 5750002 (Account) and 4310000 (Functional Activity) and made payable to *Martin & Jones, as attorneys for Kenneth Knighton*, 3353 Peachtree Road, Suite 510, Atlanta, Georgia 30326. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.